

REMARKS

Claims 13, 24 and 26 have been canceled and claims 10, 12, 14-17, 25 and 27-29 have been amended. No claims have been added by way of this response. Thus, claims 10- 12, 14-23, 25 and 27-29 are currently pending and presented for examination. Applicants respectfully request reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

Response to Objections:

The Examiner has objected to claims 14 and 15 for informalities. Applicants have corrected the informalities and respectfully request that the Examiner withdraw the objections.

Response to Rejections Under Section 102:

Claims 10-13 stand rejected under 35 U.S.C § 102(b), the Examiner contending that these claims are anticipated by Alfonsi et al (USPN 5,491,590). Applicants' claim 10 has been amended to include the limitation of canceled claim 13. Thus, both claims 10 and 12 recite:

for a node of a class which is connected by a connection section to
a node having the same class, a link between the node and the node
of the same class is defined

The Examiner indicates that this limitation is taught by Alfonsi by Figure 7. However, Figure 7 illustrates the links are between a node of a first class and a node of a second class, wherein the second class has one fewer hops than the first class. For example, Alfonsi shows that node Z belongs to a class having 2 hops and node W belongs to a class having 1 and that a link is between these nodes. Thus, Applicants respectfully submit that Alfonsi does not teach or suggest that a link would be provided between nodes having the same class.

In view of the above, claims 10 and 12 is not anticipated by Alfonsi. Furthermore, claims 11, 15, 17-19, 21, 25, 27, and 28 which depend on claim 10 and claims 14, 16, 20, 22, 23, and 29 which depend on claim 12 are also patentable at least based on their dependency as well as based on their own merits. Therefore, Applicants respectfully request that the Examiner withdraw the Section 102 rejections.

Response to Rejections Under Section 103:

Claims 14-15 stand rejected under 35 U.S.C § 103(a) as being obvious over Alfonsi in view of Zaumen (USPN 5,881,243). Claims 18-21, 24-26, and 27-29 stand rejected under 35 U.S.C § 103(a), the Examiner contending that this claim is obvious over Alfonsi in view of Corson et al. (USPN 6,667,957). Applicants' note that during a phone conversation on April 8, 2008, it was noted by the Examiner that Cain (USPN 4,905,233) was inadvertently referenced instead of Corson in the January 11, 2008 Office Action reference. Applicants have thus responded to the instant Office Action using the Corson reference.

For at least the reasons discussed in connection with the Section 102 rejections Applicants respectfully submit that these claims are patentable and respectfully request the Examiner to withdraw the Section 103 rejection. Furthermore, Claim 12 has been amended to include the limitation from canceled claim 26. Claims 12 and 25 recites:

wherein, in the case of a node which is assigned to a class and which has one outgoing link, in the event of failure of said outgoing link: for each link to the respective node that originates from a node having the same class as the respective node, the respective link is inverted, and when no link to the respective node originates from a node having the same class, all links to the respective node are inverted

The Examiner indicates that this limitation is found in Corson (FIGs 5a-5e and col. 7 lines 30+). However, Corson teaches in the event of a failure to generate a new reference level via case 1 (see e.g., FIG 3, col. 7 lines 59-61, 5b) and not to invert the link. Thus, Corson does not teach or suggest Applicant's limitation above.

Moreover, Corson teaches the handling of not having a down stream link is a multistep (cases 1-5) process (see e.g., FIG 3, FIG 5a and FIG 5e, col. 6 line 58 – col. 7 line 47). Each of Corson's steps uses a height quintuple associated with each node to control the execution of the case (see e.g., col. 4 line 46 - col. 5). Thus, the height parameter is integral the assignment and the inversion of the links as taught by Corson (see e.g, col. 7 lines 15-18). Therefore, Applicants respectfully submits that to incorporate the teachings of Corson, the height quintuple would be required. Thus, the proposed change would require Alfonsi to keep the height quintuple up to date keep track as well as the number hops between links and thereby changing the principle operation of Alfonsi. The following is a quotation from MPEP 2143 (section VI)

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.

In view of the above, claims 12 and 25 are patentable. Furthermore, claims 14, 16, 20, 22, 23 and 29 which depend on claim 12 are also patentable at least based on their dependency as well as based on their own merits. Therefore, Applicants respectfully request that the Examiner withdraw the Section 103 rejections.

Conclusion

For the foregoing reasons, it is respectfully submitted that the objections and rejections set forth in the outstanding Office Action are inapplicable to the present claims. All correspondence should continue to be directed to our below-listed address. Accordingly, Applicants respectfully request that the Examiner reconsider the objections and rejections and timely pass the application to allowance. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including fees for additional claims and terminal disclaimer fee, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 04-09-2008

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